

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
EASTERN DIVISION**

JESSIE J. JOHNSON

PLAINTIFF

v.

2:06CV00171-WRW

**DION WILSON and
DON TRIMBLE**

DEFENDANTS

ORDER

Pending is Defendants' Motion to Dismiss (Doc. Nos. 8 and 11), in which they argue that Plaintiff's claims (1) fail to state a claim for relief, (2) are barred by *res judicata*, and (3) are barred by the applicable statute of limitations. For good cause shown, Defendants' Motion is GRANTED.

In 2002 Plaintiff filed a *pro se* Complaint in Phillips County Circuit Court alleging that Defendants, attorneys Alvin Simes, Dion Wilson and Don Trimble, committed acts of negligence or fraud concerning a litigation settlement arising from the 1997 explosion at the BPS chemical plant in West Helena, Arkansas. According to Plaintiff, he "signed up" as a client of the Defendants but did not receive any of the settlement money to which he was entitled. The Circuit Court dismissed the case, and, on February 24, 2005, the Arkansas Supreme Court upheld the circuit court's decision granting Defendants motion to dismiss.¹

Unhappy with the results obtained in state court, Plaintiff filed suit in federal court on April 21, 2005, alleging identical causes of actions. I dismissed Plaintiff's suit without prejudice for failure to adequately plead federal jurisdiction.²

¹*Jessie Johnson v. Alvin Simes, et al.*, ___ S.W.2d ___, 361 Ark. 18 (2005).

²*Jessie Johnson v. Dion Wilson, et al.*, No. 2:05CV00094-WRW; Doc. No. 13, *aff'd Johnson v. Wilson*, 157 Fed. Appx. 955 (8th Cir. Dec. 20, 2005).

Plaintiff filed suit again on July 26, 2006, but this time only named Defendants Dion Wilson and Don Trimble. However, the language of the present Complaint is identical to the Complaint dismissed in 2005. Because Plaintiff again offers no basis for federal jurisdiction, Defendant's Motion to Dismiss is GRANTED.

Plaintiff's Motion for a Hearing (Doc. No. 13) is DENIED as Moot.

IT IS SO ORDERED this 7th day of September, 2006.

/s/Wm. R. Wilson, Jr.
UNITED STATES DISTRICT JUDGE